

Town of Amherst
Zoning Board of Appeals Public Meeting

PROJECT APPLICATION REPORT

Applicant: Clifford Laraway

Project address: 382 North Pleasant Street

Nature of request: In accordance with condition 3, of the Special Permit, dated March 2, 2016, the Zoning Board of Appeals is required to review compliance to the conditions of the Special Permit, effectiveness of the Management Plan, and to determine if any additional periodic review will be necessary for the non-owner occupied duplex.

Map/parcel: 11C/118

Zoning: General Residence (R-G)

Board members: Mark Parent - Chair, Keith Langsdale, Yuri Friman

Staff members: Brandon Toponce, Senior Planner; Rob Morra, Building Commissioner; Steve McCarthy, Administrative Assistant

BACKGROUND

On December 3, 2015 the Board reviewed and approved the petition from Mr. Laraway for a non-owner occupied duplex. As part of the approved conditions, it was required that after one year the property owner return to the ZBA, as stated in the following condition:

One year from the filing of this decision with the Town clerk, the applicant shall appear before the Zoning Board of Appeals at a public meeting to review compliance with the conditions of this permit and to review and consider the effectiveness of the Management Plan.

- a. The Board may at this time determine if any additional periodic reviews are necessary and, if so, at what intervals.**
- b. Said public meeting shall be noticed in accordance with Chapter 40A and the owner shall obtain a Certified List of Abutters.**

The decision was filed on Mar 2, 2016, with the Town Clerk and has been in place just over one year. As stated in the conditions the public meeting was to be noticed and treated as it were a public hearing. This required notice to the paper and abutters noticing. The meeting has been advertised in the Hampshire Gazette on April 27, and May 4, 2017. In addition the abutters noticing was sent on April 21, 2017.

REVIEW

The Board is to review the property in relation to how the owner is following the special permit. Although, the Board can observe the current conditions, they will not be able to approve any new requests, add any new conditions, or deny any of the already approved conditions of the Special Permit. If the Board does not believe conditions are being met, enforcement action may take place. The Board may also make suggestions to the applicant in how they can more effectively meet the conditions and the approved Management Plan.

Conditions

1. From the date of filing of this Special Permit with the Town Clerk to May 31, 2016, a temporary Certificate of Occupancy may be granted for the use of the property subject to the following requirements:
 - a. During this period, the property shall be subject to safety inspections by Inspection Services and the Fire Department on up to three occasions. Said inspection (s) shall be required of the owner within 24 hours of request from the Town of Amherst.
 - b. A Knox Box shall be installed in coordination with Fire Department by December 31, 2015.
 2. With validly issued building permits and coordination with the Fire Department, work on the proposed interior renovations and installation of the monitored fire alarm system shall begin by June 1, 2016.
 - a. Said work shall be completed by September 1, 2016, or prior to occupancy if the building is intended to be occupied.
 - b. Completion of this work will allow the issuance of a permanent Certificate of Occupancy.
 - c. Failure to install this system will result in the accrual of daily fines and may warrant loss of the Special Permit and/or the properties Rental Permit.
- **Staff Response:** Records indicate this was completed June of 2016
3. One year from the filing of this decision with the Town Clerk, the applicant shall appear before the Zoning Board of Appeal at a public meeting to review compliance with the conditions of this permit and to review and consider the effectiveness of the Management Plan.
 - a. The Board may at this time determine if any additional periodic reviews are necessary and, if so, at what intervals.
 - b. Said public meeting shall be noticed in accordance with Chapter 40A and the owner shall obtain a Certified List of Abutters.

➤ **Staff Response:** This review is currently taking place by the Zoning Board of Appeals

4. The interior modifications to the basement (to convert a large tenant gathering space into owner only storage, and to remove existing walls and doors on two rooms located on the third floor), as shown on the plans prepared by Vreeland Design Associates, as revised by the owner on November 1, 2015, shall be completed prior to occupancy or no later than September 1, 2016. However, said changes may be completed sooner upon the issuance of a validly issued building permit.

➤ **Staff Response:** Records indicate this was completed in May 2016

5. The two units shall be used in accordance with the approved floor plans, prepared by the owner and dated November 1, 2015, containing the following:
 - a. Basement – Consisting of a large owner storage area and one bedroom and hallway associated with the first floor unit. The bars on the bedroom window shall be removed to provide safe egress.
 - b. First Floor – Consisting of no more than four bedrooms, one of which may be used as a living room if so chosen by the owner or the tenants.
 - c. Second Floor- Consisting of four bedrooms, bathroom, and walk-in closet.
 - d. Third Floor –Consisting of two locked owner storage spaces, a kitchen, dining room, and living room.
 - e. Changes in the use or configuration of the floor plans shall be reviewed at a public meeting and any revised plans shall be reflected in a revised lease agreement.

➤ **Staff Response:** This condition should still be in place. Staff would recommend the applicant explain how this is still being satisfied.

6. Further evidence of over-occupancy or substantial parking or other violations of this Special Permit shall be considered grounds for suspension of the properties Rental Permit.

➤ **Staff Response:** No violations have been reported concerning over occupancy or parking issues. All violations that have occurred in the past year appear to have been minor and have been quickly addressed by the property owner. Staff does not believe any of these recorded issues have risen to the level of “suspension of the properties Rental Permit.”

7. There shall be an approved Management Plan for the use in place at all times. This shall include an approved parking Management Narrative, Parking Permit System, and Complaint Response Plan.

8. There shall be an on-site resident manager (responsible for coordinating with the owner) and a parking manager in place for the property at all times as identified in the approved Management Plan.

➤ **Staff Response:** This condition should still be in place. Staff would recommend the applicant explain how this is still being satisfied.

9. Prior to the beginning of the next lease cycle, a copy of the revised lease agreement (which shall include specific reference to the approved floor plans and parking plan) and parking manager and onsite manager contact information shall be reviewed and approved by the Zoning Board of Appeals at a public meeting.

➤ **Staff Response:** Staff is unclear if this took place. It may have been conducted as part of an administrative meeting which may not have been specifically called out on an agenda. Staff would request clarity on this condition from the applicant if they recall this taking place.

10. There shall be no more than 8 tenant vehicles parked on the property. Guest vehicles shall be not parked on the property for greater than 3 consecutive days without written consent from the owner as required in the lease.

➤ **Staff Response:** This condition should still be in place. Staff would recommend the applicant explain how this is still being satisfied. A rental permit was issued on January 24, 2017, and included an approved parking lot plan.

11. Within 15 days of any new executed lease, copies of the following shall be submitted to Inspection Services and the Planning Department and kept on file:

- a. All newly executed lease agreements.
- b. Onsite Manager, Parking Manager information for each unit, and copies of the owners permit vehicle log, including name and registration information, pursuant to the approved Management Narrative and Parking Permit System.

➤ **Staff Response:** Staff is unclear if this process takes place each time a new tenant signs a lease agreement. Staff would request clarity on this condition from the applicant if they recall this taking place.

12. The existing fire escape shall be either repaired or replaced on a timeline determined by the Building Commissioner. If substantial changes to the existing fire escape are required, or an entirely new fire escape is proposed, a detailed plan shall be submitted to the Zoning Board of Appeals at a public meeting for review and approval. Renderings shall also be submitted with any design that involves a new structure rather than repair of the existing.

➤ **Staff Response:** This was completed in May, 2016

13. All exterior site improvements shall be maintained substantially in accordance with the site plan, annotated by the Board on July 10, 2014, and stamped approved on July 24, 2014.
- The gravel driveway and parking areas shall be maintained seasonally or more often if needed to prevent significant ruts and/or vegetation within the gravel areas.
 - There shall be no more than eight tenant vehicles parked on the premises overnight on a regular basis.
 - A parking permit shall be affixed to the rear driver's side window of all tenant vehicles as described in the approved parking permit system.
 - Any substantial changes to the plan shall be reviewed by the Board at a public meeting in accordance with the ZBA Rules and Regulations.

➤ **Staff Response:** This condition should still be in place. Staff would recommend the applicant explain how this is still being satisfied.

14. Parking spaces 1 and 2, as shown on the approved site plan, shall be demarked by a sign indicating "non-resident parking only, subject to towing" or "guest parking only, subject to towing". The signs and sign posts shall of a standard size and height.

- In the event of substantiated evidence of an in-ability for the owner to properly manage the use of the two guest spaces, the Zoning Board of Appeals, may, at a public meeting require the physical removal of the guest spaces to result in a reduction from a total of 10 parking spaces to eight. Said public meeting shall be noticed in accordance with Chapter 40A, Section 11.

➤ **Staff Response:** Two spaces have been identified and this condition still remains in effect. Staff has not received any indication that these spaces are not being used for any other purpose other than visitor parking.

15. All landscaping shown on the approved site plan, including but not limited to the 12 arborvitae along the south property line and four arborvitae on the north side, and mulched areas shall be continuously maintained. In the event that required vegetation dies or is removed, it shall be replaced within one growing season.

➤ **Staff Response:** This condition should still be in place. Staff would recommend the applicant explain how this is still being satisfied.

16. No unregistered vehicles or shall be parked on the site, and no inoperable vehicles or construction vehicles shall be parked on-site for more than two weeks.

17. No furniture of any kind or grills shall be allowed in the front yard, on the roof, or on the fire escape.

➤ **Staff Response:** This condition should still be in place. Staff would recommend the applicant explain how this is still being satisfied. Records indicate that furniture was placed outside, however was quickly taken care of after a call to the property owner.

18. All trash receptacles shall be stored at the rear of the house and shielded from North Pleasant Street or in the dumpster location. No containers shall be kept on the front porch or under the fire escape.
19. The owner shall be responsible for all exterior maintenance of the property, including plowing and shoveling of snow, lawn care, exterior of the building, and driveway and parking area.
20. The property shall be maintained in a trash-free condition.
21. Exterior lighting shall be downcast to prevent light spillage onto adjacent properties.
 - **Staff Response:** This condition should still be in place. Staff would recommend the applicant explain how this is still being satisfied.

Management Plan

As part of the staff report, the management plan and response plan have been included. Staff would suggest the applicant read through the document and be prepared to comment on how this is still being satisfied. A member of Inspection Services will also be at the meeting to review how effective they believe the management plan has been over the past year. If it is not being met, the Board should review with the applicant ways in which this may be accomplished.

Additional Periodic Review

As stated in condition #3 the Board may choose to request additional review of property in to the future. Since the property has had some complaints and there are many unanswered questions on how the property is still being managed, staff would recommend additional review take place in six months. If the Board believes this is too soon, a year would also be acceptable.

CONCLUSION

The property owner has not provided all the detail of how the conditions or Management Plan are fully being met. Staff would recommend the property owner be prepared at the meeting to show adequate detail to the Board. However, if the Board does not believe they have provided enough detail, then perhaps they need to be moved to a different agenda or come back in six months.

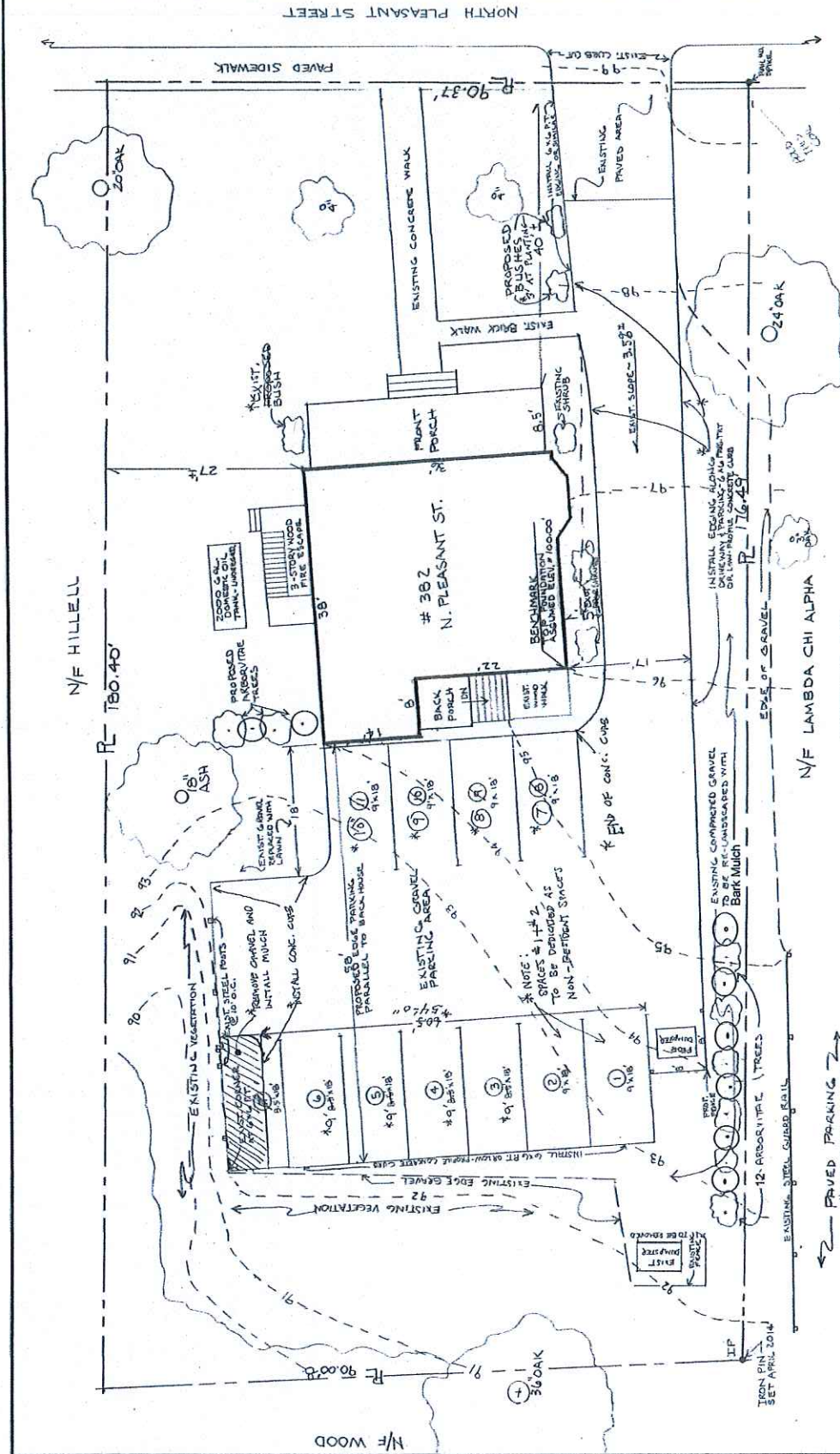
REVISIONS	BY
2/19/14	DV
5/13/14	DV
6/11/14	DV
7/8/14	DV

Vreeland Design Associates
an integrative approach to residential design, engineering,
and site planning
Contact David Vreeland, PE
116 River Rd., Leyden, MA 01337
Phone (413) 824-0126 - Fax (413) 824-0154

382 North Pleasant St., Amherst, MA 01002

SITE PLAN

DATE	2/5/14
SCALE	1" = 10'
DRAWN	DAV
JOB	LARAWAY
SHEET	1
OF	1



SITE PLAN

SCALE: 1" = 10'

TOTAL LOT AREA = 16,094 SF: 100.0%

Building	= 1,208 SF: 7.5%
Porch	= 280 SF: 1.7%
Impervious Areas	= 4,950 SF: 30.8%
Total	= 6,438 SF: 40.0%

NO MORE THAN 8 CARS SHALL BE PARKED ON THE PREMISES OVERNIGHT ON A REGULAR BASIS.

NOTES

- THIS IS A REVISED PLAN SHOWING PROPOSED PARKING AT 382 NORTH PLEASANT ST., AMHERST, MA, CONDUCTED BY DAVID VREELAND, PE, JULY 24, 2014.
- TOPOGRAHY WAS CONDUCTED BY DAVID VREELAND, PE, JULY 24, 2014, AND MAY 12, 2014.
- THE PROPERTY LINES SHOWN ARE APPROXIMATE AND ARE BASED ON THE DEED DESCRIPTION FOR TRACT 1 FOUND IN BOOK 08695, PAGE 224, HAMPSHIRE REGISTRY OF DEEDS, AND LOT PLAN AND IRON PIN PREPARED AND SET BY HAROLD L. EATON ASSOCIATES APRIL 2014.
- THE EXISTING DRIVEWAY AND PARKING AREAS ARE GRADED WITH "TRG" - TRAPROCK GRAVEL.

LEGEND

- EXISTING CONTOURS
- PROPOSED CONTOURS
- EXISTING EDGE OF GRAVEL DRIVE & PARKING
- PROPOSED EDGE OF DRIVEWAY & PARKING
- PROPERTY LINE
- PROPOSED PARKING SPACE



7/8/14

**ZBA FY2014-00027
APPROVED, AS ANNOTATED
JULY 24, 2014**



RECORD OF COMPLAINTS AND PERMITS

Complaint ID #2072, 04/10/2017

Primary Violation 505 OCC RESP RESP STRUC. ELEME
Department INSPECTIONS
Inspector ERS
Comments OCCUPANT'S UPHOLSTERED SOFA MOVED
 ONTO PORCH SINCE LAST WEDNESDAY'S
 REINSPECTION - PROP. OWNER
 EMAILED/WILL HAVE REMOVED

Complaint Date 2017/04/10
Status Open
Compliance Date
Documents

Complaint ID #2071, 03/30/2017

Primary Violation 500 OWN. RESP. FOR STRUCT. ELE
Department INSPECTIONS
Inspector ERS
Comments 1ST FLOOR HW TAP CONTINUAL DRIP/WON'T
 SHUT OFF (OWNER'S RESP.) ; 2ND FLOOR
 SINK NOT DRAINING/STANDING WATER
 (OWNER'S RESP.) ; A: TRASH LITTERED
 THROUGHOUT UNIT COMMON SPACES; ESP.
 HALLS; KITCHENS; BATHROOMS
 (OCCUPANT'S RESPONSIBILITY) ; ALSO 602:
 OCCUPANTS NOT RESPECTING
 STRUCTURE/KEEPING CLEAN AND SANITARY
 (STANDING WATER OBSERVED 2ND FLOOR
 BATHROOM - FROM SHOWER) ; ALSO 750P:
 FIRE DOOR TIED OPEN (OCCUPANT'S
 RESPONSIBILITY) ; ALSO 750P: HASP ADDED
 TO BEDROOM DOOR (OCCUPANT'S RESP.) ; B:
 OVERFLOWING TRASH CONTAINER 1ST
 FLOOR KITCHEN (OCCUPANTS RESP.) ;
 BASEMENT SMOKE FOUND BAGGED BY AFD
 OVERNIGHT; RESTORED AT THAT TIME;
 FOUND BAGGED AGAIN 3/30/17 W/IN LESS
 THAN 10 HOURS; OWNER TO MAINTAIN
 SYSTEM - DID NOT REPORT TROUBLE IN
 DETECTORS ; BROKEN WINDOWS: 3RD
 FLOOR (ATTIC GABLE); 3RD FL. KITCHEN; 1ST
 FL. NORTH UPPER SASH (OWNER'S RESP.) ;
 CFL HALLWAY LIGHT HAS NO PROTECTIVE
 COVER (OWNER'S RESP) ; MISSING TILES ON
 WALLS (UNCLEANABLE) (OWNER'S RESP.)

Complaint Date 2017/03/30
Status Closed
Compliance Date 2017/04/05
Documents 20170411110611501.pdf | 20170411114016409.pdf

Complaint ID #1820, 04/19/2016

Primary Violation 602 MAIN AREA FREE GAR/RUBBISH
Department INSPECTIONS
Inspector JCT
Comments Much loose trash in the yard
Complaint Date 2016/04/19
Status Closed
Compliance Date 2016/04/20
Documents

Complaint ID #1739, 10/02/2015

Primary Violation ZN -DEFINITIONS
Department INSPECTIONS

Noise Complaints

Oct 21 2016 12:04AM, Warning Issued, Call ID:
16-19508 APD Letter Sent

Jun 11 2016 12:04AM, Warning Issued, Call ID:
16-10339

Feb 7 2016 12:06AM, Warning Issued, Call ID:
16-2055 APD Letter Sent

Sep 12 2015 3:48PM, Warning Issued, Call ID:
15-14634 APD Letter Sent

Sep 12 2015 2:49PM, Warning Issued, Call ID:
15-14629 APD Letter Sent

Jul 4 2015 1:51PM, Warning Issued, Call ID: 15-
10548 APD Letter Sent

Mar 29 2015 1:12AM, Warning Issued, Call ID:
15-4962

Permits recorded from 1995 through 04/30/2017 for parcel 11C-118, 382 NORTH PLEASANT ST

Rental Permit: RP20170811

Issued	01/24/2017
Description	Two Family Dwelling Expires June 30, 2017
Documents	Permit Parking Plan
Owner	CO-ED, REALTY LLC
Contact	NOT APPLICABLE
Business	

Rental Permit: RP20160538

Issued	08/10/2015
Description	TWO-FAMILY EXPIRES JUNE 30, 2016
Documents	Permit Parking Plan
Owner	CO-ED, REALTY LLC
Contact	NOT APPLICABLE
Business	

Rental Permit: RP20140737

Issued	03/24/2014
Description	Rental permit for two family house. Expires June 30, 2015.
Documents	Permit Parking Plan
Owner	CO-ED, REALTY LLC
Contact	LARAWAY, CLIFFORD
Business	

Permit Reference ID: 39970

Type	
Applied	04/07/2017
Status	Under Review
Description	FOLLOW UP PUBLIC MEETING ZBA FY2016-00001
Reference ID	39970

Permit Reference ID: 37222

Type	1 & 2 FAMILY PLAN REV & ALARM
Applied	08/09/2016
Status	Under Review
Description	Install fire alarm communicatior.
Reference ID	37222

Permit Reference ID: 37221

Type MF2A - 2 FAMILY ALT/ADD
Applied 08/09/2016
Status Under Review
Description Install fire alarm communicatior.
Reference ID 37221

Permit ID: 20160887

Type ELE - R LTD ENERGY ALARM & COM
Applied 06/01/2016
Status Completed
Description Tie existing smoke detectors to central alarm system.
Reference ID 35502

Permit Reference ID: 34829

Type MF2A - 2 FAMILY ALT/ADD
Applied 05/04/2016
Status Active
Description Replace & remove non-bearing wall as per Planning Board. Fire escape.
Reference ID 34829
PERMIT APPLICATION

Permit ID: ZBAFY2016-00010

Type APPEAL OF DECISION - BLDG COMM
Applied 11/10/2015
Status Completed
Description ZBA FY2016-00010 Appeal of building commissioner's notice of violation dated 10/2/15 pursuant MGL 40A, S10.1
Reference ID 32853
Application_Received and Recorded

Permit ID: ZBAFY2016-00001

Type
Applied 08/10/2015
Status Issued 03/07/2016
Description ZBA FY2016-00001 Special Permit for non-owner occupied two- family dwelling.
Reference ID 31285
Signed and Stamped Application, ZBA FY2016-00001, | Application Materials, FY2016-00001, 382 North Ple | Decision

Permit Reference ID: 30422

Type TANK REMOVAL
Applied 06/26/2015
Status Under Review
Description
Reference ID 30422

Permit Reference ID: 28160

Type
Applied 03/31/2015
Status Withdrawn
Description ZBA FY2015-00029 Renewal and modification of ZBAFY2009-04 and ZBA FY2014-27.
Reference ID 28160
2009-00004-382 NORTH PLEASANT ST-
DECISIONS-7685 | 2009-00004-382 NORTH

MARCH 2016 SPECIAL PERMIT

Town of Amherst
Zoning Board of Appeals
SPECIAL PERMIT

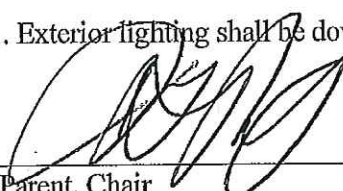
2016 MAR -2 PM 4: 18
AMHERST TOWN CLERK

The Amherst Zoning Board of Appeals hereby grants a Special Permit, ZBA FY2016-00001, to issue a Special Permit for the use of as a non-owner occupied duplex, based on the expiration of ZBA FY2009-00004, and to modify conditions of ZBA FY2014-00027, under Section 3.3211 and 10.33 of the Zoning Bylaw, 382 North Pleasant Street (Map 11C, Parcel 118, R-G Zoning District), subject to the following conditions:

1. From the date of filing of this Special Permit with the Town Clerk to May 31, 2016, a temporary Certificate of Occupancy may be granted for the use of the property subject to the following requirements:
 - a. During this period, the property shall be subject to safety inspections by Inspection Services and the Fire Department on up to three occasions. Said inspection (s) shall be required of the owner within 24 hours of request from the Town of Amherst.
 - b. A Knox Box shall be installed in coordination with Fire Department by December 31, 2015.
2. With validly issued building permits and coordination with the Fire Department, work on the proposed interior renovations and installation of the monitored fire alarm system shall begin by June 1, 2016.
 - a. Said work shall be completed by September 1, 2016, or prior to occupancy if the building is intended to be occupied.
 - b. Completion of this work will allow the issuance of a permanent Certificate of Occupancy.
 - c. Failure to install this system will result in the accrual of daily fines and may warrant loss of the Special Permit and/or the properties Rental Permit.
3. One year from the filing of this decision with the Town Clerk, the applicant shall appear before the Zoning Board of Appeal at a public meeting to review compliance with the conditions of this permit and to review and consider the effectiveness of the Management Plan.
 - a. The Board may at this time determine if any additional periodic reviews are necessary and, if so, at what intervals.
 - b. Said public meeting shall be noticed in accordance with Chapter 40A and the owner shall obtain a Certified List of Abutters.
4. The interior modifications to the basement (to convert a large tenant gathering space into owner only storage, and to remove existing walls and doors on two rooms located on the third floor), as shown on the plans prepared by Vreeland Design Associates, as revised by the owner on November 1, 2015, shall be completed prior to occupancy or no later than September 1, 2016. However, said changes may be completed sooner upon the issuance of a validly issued building permit.

5. The two units shall be used in accordance with the approved floor plans, prepared by the owner and dated November 1, 2015, containing the following:
 - a. Basement – Consisting of a large owner storage area and one bedroom and hallway associated with the first floor unit. The bars on the bedroom window shall be removed to provide safe egress.
 - b. First Floor – Consisting of no more than four bedrooms, one of which may be used as a living room if so chosen by the owner or the tenants.
 - c. Second Floor- Consisting of four bedrooms, bathroom, and walk-in closet.
 - d. Third Floor –Consisting of two locked owner storage spaces, a kitchen, dining room, and living room.
 - e. Changes in the use or configuration of the floor plans shall be reviewed at a public meeting and any revised plans shall be reflected in a revised lease agreement.
6. Further evidence of over-occupancy or substantial parking or other violations of this Special Permit shall be considered grounds for suspension of the properties Rental Permit.
7. There shall be an approved Management Plan for the use in place at all times. This shall include an approved parking Management Narrative, Parking Permit System, and Complaint Response Plan.
8. There shall be an on-site resident manager (responsible for coordinating with the owner) and a parking manager in place for the property at all times as identified in the approved Management Plan.
9. Prior to the beginning of the next lease cycle, a copy of the revised lease agreement (which shall include specific reference to the approved floor plans and parking plan) and parking manager and onsite manager contact information shall be reviewed and approved by the Zoning Board of Appeals at a public meeting.
10. There shall be no more than 8 tenant vehicles parked on the property. Guest vehicles shall be not parked on the property for greater than 3 consecutive days without written consent from the owner as required in the lease.
11. Within 15 days of any new executed lease, copies of the following shall be submitted to Inspection Services and the Planning Department and kept on file:
 - a. All newly executed lease agreements.
 - b. Onsite Manager, Parking Manager information for each unit, and copies of the owners permit vehicle log, including name and registration information, pursuant to the approved Management Narrative and Parking Permit System.
12. The existing fire escape shall be either repaired or replaced on a timeline determined by the Building Commissioner. If substantial changes to the existing fire escape are required, or an entirely new fire escape is proposed, a detailed plan shall be submitted to the Zoning Board of Appeals at a public meeting for review and approval. Renderings shall also be submitted with any design that involves a new structure rather than repair of the existing.

13. All exterior site improvements shall be maintained substantially in accordance with the site plan, annotated by the Board on July 10, 2014, and stamped approved on July 24, 2014.
 - a. The gravel driveway and parking areas shall be maintained seasonally or more often if needed to prevent significant ruts and/or vegetation within the gravel areas.
 - b. There shall be no more than eight tenant vehicles parked on the premises overnight on a regular basis.
 - c. A parking permit shall be affixed to the rear driver's side window of all tenant vehicles as described in the approved parking permit system.
 - d. Any substantial changes to the plan shall be reviewed by the Board at a public meeting in accordance with the ZBA Rules and Regulations.
14. Parking spaces 1 and 2, as shown on the approved site plan, shall be demarked by a sign indicating "non-resident parking only, subject to towing" or "guest parking only, subject to towing". The signs and sign posts shall of a standard size and height.
 - a. In the event of substantiated evidence of an in-ability for the owner to properly manage the use of the two guest spaces, the Zoning Board of Appeals, may, at a public meeting require the physical removal of the guest spaces to result in a reduction from a total of 10 parking spaces to eight. Said public meeting shall be noticed in accordance with Chapter 40A, Section 11.
15. All landscaping shown on the approved site plan, including but not limited to the 12 arborvitae along the south property line and four arborvitae on the north side, and mulched areas shall be continuously maintained. In the event that required vegetation dies or is removed, it shall be replaced within one growing season.
16. No unregistered vehicles or shall be parked on the site, and no inoperable vehicles or construction vehicles shall be parked on-site for more than two weeks.
17. No furniture of any kind or grills shall be allowed in the front yard, on the roof, or on the fire escape.
18. All trash receptacles shall be stored at the rear of the house and shielded from North. Pleasant Street or in the dumpster location. No containers shall be kept on the front porch or under the fire escape.
19. The owner shall be responsible for all exterior maintenance of the property, including plowing and shoveling of snow, lawn care, exterior of the building, and driveway and parking area.
20. The property shall be maintained in a trash-free condition.
21. Exterior lighting shall be downcast to prevent light spillage onto adjacent properties.


Mark Parent, Chair
Amherst Zoning Board of Appeals

Mar 2, 2016
DATE

MANAGEMENT PLAN AND COMPLAINT RESPONSE PLAN

Town of Amherst
MANAGEMENT PLAN FORM



The Rules and Regulations of both the Planning Board and the Zoning Board of Appeals require that applicants submit a management plan as part of the process for most applications.

APPLICANT INFORMATION:

Applicant: Co-Ed Realty, LLC

Address: 900 Riverdale Road, #127

West Springfield, MA 01089

Telephone: 413-626-6272

Owner: _____
(if different from applicant)

Address: _____

Telephone: _____

PROJECT INFORMATION:

Project Address and Description:

382 North Pleasant Street

Amendment to previously approved management plan?

☐ yes

☐ no

INFORMATION REQUIRED FOR ALL PROJECTS: (Attach additional sheets as necessary)

Trash and recycling, including storage location, enclosure or screening, with frequency of pickup and name of hauling company, and responsible party to contact in case of complaint:

Location to be as shown on Site Plan by Vreeland Design Associates, dated July 8, 2014, as screened by fencing. To be picked up weekly.

McNamara Waste Services (413) 566-8300.

Clifford Laraway as manager (413) 626-6272

Parking, including size and number of spaces, location, screening, provision for handicapped spaces:

10 designated parking spaces on site, as shown on the Site Plan by Vreeland Design Associates, last revised, 7/8/14, amended 7/10/14 and approved on 7/24/14.

Parking permit system as per attached.

Lighting, including hours of illumination by location, types and wattage of fixtures:

(existing)

Downcast illumination, four (4) into stair and porch lights

Signage, including location, size, materials, and any illumination:

N/A

Landscape Maintenance, including annual schedule of watering, fertilizing, mowing, pruning, leaf pick-up, and so forth, and maintenance and replacement schedules of site furnishings:

C & L Construction (413) 626-6272
Mowing bi-weekly or as needed

Snow Removal, including name of contractor:

(Please see Article IV of the Town Bylaw for regulations regarding the removal of snow and ice from sidewalks)

C & L Construction (413) 626-6272

ADDITIONAL INFORMATION FOR SPECIFIC PROJECT TYPES (ATTACH ADDITIONAL SHEETS):

ADDITIONAL INFORMATION REQUIRED FOR RESTAURANTS:

Type of menu
Number of seats (indoor and outdoor)
Is any outdoor dining on public or private land?
Number of employees
Hours of operation
Alcohol
Plans for delivery and/or take-out service
Live or prerecorded entertainment
Noise management of patrons, music, fans and HVAC
Management of patrons gathering outdoors on property
Odor mitigation measures
Waste kitchen oil management
Litter control
Deliveries to or from the site

ADDITIONAL INFORMATION REQUIRED FOR

PERMIT RENEWALS:

Special permit #
Date of issuance
Any changes to the proposal
Any changes to the neighborhood

ADDITIONAL INFORMATION REQUIRED FOR APARTMENTS:

Number of units, existing and proposed
Number of bedrooms, existing and proposed
Number of tenants
Owner-occupied?
On-site manager?
Copy of standard lease
Noise management of tenants, parties, and music, and any outdoor HVAC equipment
Material, equipment, and large household goods storage
On-site recreational facilities (when provided)
Complaint Response Plan

ADDITIONAL INFORMATION REQUIRED FOR HOME OCCUPATIONS:

Type of business
Number of Employees
Hours of operation
Deliveries to or from the site
Equipment used/ Noise generated
Material and equipment storage

382 NORTH PLEASANT STREET

PARKING PERMIT SYSTEM

PARKING AREA

There shall be ten (10) designated parking spaces on site, each 9' x 18', as more fully identified on the plan dated February 5, 2014, as revised, as approved by the Zoning Board of Appeals on July 24, 2014 (the "Plan"). Such spaces shall be divided and managed as follows:

I. GENERAL REGULATIONS

- The "Local Agent"—as identified for the Town of Amherst's Rental Registration Bylaw—and the landowner shall monitor and enforce this Parking Permit System;
- Vehicles located in the Non-Resident Spaces (as identified) for an unreasonable amount of time, in the discretion of the landowner, the Local Agent, or a duly authorized Town official, shall first receive one (1) warning. Then, if again in violation, be towed at the owner's expense; in addition, vehicles parked not in accordance with the plan, or those non-resident vehicles parked in designated resident spaces shall first receive one (1) warning, then if again in violation, be towed at owner's expense.
- No parking shall occur along the driveway or in non-designated areas, and shall be maintained to allow emergency access; no unregistered and/or inoperable vehicles shall remain on site for more than one (1) week, in the aggregate.

II. RESIDENT SPACES

- There shall be eight (8) Resident-designated parking spaces, numbered 3 through 10 (as identified on the Plan);
- Each resident, prior to occupancy or within five (5) days thereof, shall provide to the landowner or his designee, their vehicle make, model, year, license plate number and registration. The landowner or designee shall keep and maintain such records during the resident's occupancy;
- Landowner or his designee shall then provide to the resident a parking sticker, to be placed and maintained on the rear driver's side window;
- A copy of the site plan shall be provided to each resident upon presentment of the parking sticker, with such plan identifying the Resident-Only parking spaces;

III. NON-RESIDENT SPACES

- There shall be two (2) Non-Resident designated parking spaces, numbered 1 and 2 (as identified on the "Plan");

- The Non-Resident parking spaces shall be identified by a sign stating "NON-RESIDENT PARKING ONLY - SUBJECT TO TOWING" or, "GUEST PARKING ONLY, SUBJECT TO TOWING" which shall be erected and maintained at the designated spaces.

TOWN OF AMHERST, MASSACHUSETTS

COMPLAINT RESPONSE PLAN

This Complaint Response Plan ("Response Plan") is submitted in accordance with § 3.3211 of the Amherst Zoning Bylaw. Any use of the property allowed under a Special Permit from the Amherst Zoning Board of Appeals is specifically conditioned upon strict compliance with this Response Plan.

Before any Certificate of Occupancy may be issued for the subject property, a copy of this Response Plan must be delivered to parties of interest under the procedures set forth in M.G.L. Chapter 40A, § 11, and the person(s) to whom a Special Permit is issued shall certify in a signed and dated Affidavit of Compliance (with Response Plan attached to it) that the Response Plan was so delivered. The Affidavit of Compliance, with attached Response Plan, shall be filed and date-stamped in the Amherst Planning Department. Upon any change of Owner, Designated Contact person, or change of contact information for any Owner or Designated Contact person, a Response Plan containing the revised information shall be delivered to parties of interest as set forth above and an Affidavit of Compliance, with revised Response Plan attached, shall be filed and date-stamped in the Amherst Planning Department. The Response Plan shall be provided to all tenants at the subject property as an attachment to their written lease agreement.

Complete all sections

PROPERTY ADDRESS:

382 North Pleasant Street

PROPERTY OWNER(S):

Name: _____ Co-Ed Realty, LLC

Mailing Address: _____ 900 Riverdale Road #127, West Springfield, MA 01089

E-mail Address: _____ subway5302@aol.com

Telephone: (Home) _____
(Work) _____ (413) 626-6272
(Mobile) _____ (413) 572-2520 (fax)

Name: Clifford Laraway, Manager

Mailing Address: 900 Riverdale Road #127, West Springfield, MA 01089

E-mail Address: subway5302@aol.com

Telephone: (Home) _____
(Work) (413) 626-6272
(Mobile) (413) 572-2520 (fax)

Name: _____

Mailing Address: _____

E-mail Address: _____

Telephone: (Home) _____
(Work) _____
(Mobile) _____

RESPONSE PROTOCOL:

Specific action taken regarding the complaint must be documented in writing, including but not limited to: (a) any communication with tenants, enforcement authorities, and complainant; (b) the proposed resolution of the complaint; (c) follow-up within one week from the date of complaint with complainant to verify that any proposed resolution has been implemented and is effective. Materials, communications and documents, in whatever form and specifically including all electronic communications and voicemail messages, regarding complaints must be maintained for a period of FIVE years from the date of complaint by the person(s) to whom a Special Permit is issued and shall be produced upon request to any Town of Amherst code enforcement official or his or her designee.

COMPLAINT CONTACTS:

The following person(s) shall be available by telephone, and will be responsible for responding to a complaint arising out of the occupancy of the rental property within ONE HOUR of the time that the complaint was received.

No more than a total of THREE persons may be designated.

THERE MUST BE A DESIGNATED CONTACT PERSON 24 HOURS PER DAY, 7 DAYS PER WEEK. BELOW IS THE CONTACT INFORMATION FOR THE DAYS AND TIMES OF EACH DAY.

CONTACT NO. 1

DAY/TIME DESIGNATION

FRI: X SAT: X SUN: X
MON: X TUE: X WED: X
THUR: X

CONTACT Clifford Laraway, Manager

Telephone No. 1: (413) 626-6272

Telephone No. 2: (413) 572-2520 (fax)

Telephone No. 3: _____

CONTACT NO. 2

DAY/TIME DESIGNATION

FRI: X SAT: X SUN: X
MON: X TUE: X WED: X
THUR: X

CONTACT Conner Laraway, Local Agent

Telephone No. 1: (413) 626-8479

Telephone No. 2: _____

Telephone No. 3: _____